

MAY 24 2004

HEWLETT-PACKARD COMPANY
PATENT & TRADEMARK Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

9208/3627

PATENT APPLICATION

ATTORNEY DOCKET NO. 10007167-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Margo N. Whale

Confirmation No.: 6662

Application No.:09/942,296

Examiner: Kramer, James A.

Filing Date: 08/29/2001

Group Art Unit: 3627

Title: SYSTEMS AND METHODS FOR DETERMINING SPECIAL PRICING OF
COMPONENTS FOR PRINTING DEVICE CUSTOMERS

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL OF ABANDONMENT

Sir:

1. Applicant petitions that the abandonment set forth in the notice mailed by the office on 05/04/2004 be withdrawn.
2. Submitted herewith is:
 A copy of the page of the response mailed on 12/19/2003 showing a Certificate of Mailing Executed on 12/19/2003.
 A copy of the post card identifying the papers filed and showing the U.S. PTO receipt stamp dated 12/23/2003.
 A copy of the complete response previously filed.
 A copy of the attorney's Deposit Account Statement in which the item corresponding to the response referred to above is checked.
3. Please proceed with further examination of this application on the basis of:
 The original paper filed, which have now reached the appropriate area of the PTO, and/or
 The attached copy of the paper originally filed.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: 05/19/2004.

Number of pages:

Typed Name: Vickie L. Hensley

Signature: Vickie L. Hensley

Respectfully submitted,

Margo N. Whale

By Mark G. Pannell
Mark G. Pannell

Attorney/Agent for Applicant(s)

Reg. No. 40,761

Date: 05/19/2004

Telephone No.: (719) 260-7900



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Margo N. Whale

Confirmation No.: 6662

Application No.: 09/942,296

Examiner: Kramer, James A.

Filing Date: 08/29/01

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Title: SYSTEMS AND METHODS FOR DETERMINING SPECIAL PRICING OF COMPONENTS
FOR PRINTING DEVICE CUSTOMERS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUN 7 2004

GROUP 3600

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
(X) No additional fee (Address envelope to "Mail Stop Non-Fee Amendment")
() Other: _____ (fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	27	MINUS	27	= 0	X \$18	\$ 0
INDEP. CLAIMS	3	MINUS	3	= 0	X \$86	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						+ \$290 \$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$950.00	4TH MONTH \$1480.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

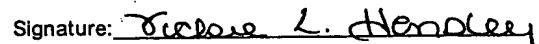
Margo N. Whale

By 
Mark G. Pannell
Attorney/Agent for Applicant(s)
Reg. No. 40,761

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Date of Deposit: 12/19/03

Typed Name: Vickie L. Hensley

Signature: 

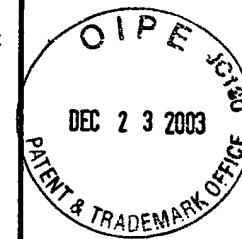
Date: 12/19/03



Name(s) of Applicant(s): Margo N. whale
Title of Invention: Systems and methods...
Docket No.: 10007167-1 Serial No.: 09/942,396

- Patent Application Transmittal Form
 Specification, _____ Pages
 Drawings, _____ Sheets
 Assignment Recordation Form Cover Sheet
 Declaration and Power of Attorney
 Response to Office Action
 Transmittal Form
 Request For Extension of Time
 Issue Fee Transmittal Form
 Notice of Appeal Appeal Brief
 Request For Extension of Time
 Check in the amount of _____ for _____

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GROUP 3600

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450

Date of Deposit: 12/19/03

Typed Name of Person Mailing Paper or Fee: Vickie L. Hensley

Signature: *Vickie L. Hensley*



**PATENT APPLICATION
ATTORNEY DOCKET NO. 10007167-1**

7/2/04
S/Recd

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Margo N. Whale

Confirmation No.: 6662

Application No.: 09/942,296

Examiner: Kramer, James A

Filing Date: 08/29/2001

Group Art Unit: 3627

Title: Systems And Methods For Determining Special Pricing Of Components For Printing Device Customers

RECEIVED

JUN 7 2004

GROUP 3600

**MAIL STOP NON-FEE AMENDMENT
COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450**

RESPONSE B

Sir:

In response to the Examiner's Action, dated 09/24/2003, Applicant respectfully requests reconsideration of the subject application.

Remarks

Claims 1-27 are pending in the application and the same are rejected. Claims 1-27 remain in the application and are presented for review and further consideration by the Examiner.

The Examiner has rejected claims 1-27 under 35 U.S.C. §103(a) as being unpatentable over Boardman et al., U.S. Patent No. 6,456,986 in view of Hirst et al., U.S. Patent No. 5,930,553. (Examiner's Action, page 2).

Applicant respectfully disagrees.

Boardman discloses a decision network based event pricing system using decision networks to facilitate complex price plan structures used to rate and/or discount events. Boardman does not disclose, teach, or suggest determining a price based on usage. Boardman specifically states that usage based pricing is a simple hierarchical pricing structure. Since Boardman discloses a system for use with complex price plan structures, Boardman does not disclose usage based pricing. Boardman discloses determining price based on many complex factors, but nowhere does Boardman even mention or suggest basing price on usage.

Additionally, Boardman does not disclose determining a price of a replaceable component of a device based on usage (or any other factor) of the device in which the replaceable component is used. Boardman discloses determining a price for a service, using factors related to the service to be priced. Since the service is not a replaceable component of a device, Boardman cannot disclose basing the price of the service on usage of the device for which the service is a replaceable component.

In contrast, Applicant's independent claims 1, 16, and 24 include wording that the price of the replaceable component is based on the printing device usage, not on the usage of the replaceable component. That is, usage of the thing for which the price is determined is not used to determine the price. Instead, usage of the device, for which the thing is a replaceable component, is used to determine the price. Neither Boardman nor Hirst disclose this limitation.

Additionally, neither Boardman nor Hirst discloses determining printing device usage by receiving a depleted component of the printing device, retrieving a page count from the depleted component, or adding the retrieved page count to a cumulative page count of pages printed by a customer using a particular brand of replaceable component, as in Applicant's dependent claim 11.

In view of Applicants' arguments with respect to independent claims 1, 16, and 24 being allowable, Applicants respectfully submit that the remaining dependent claims are also allowable because they contain all of the limitations of their respective independent claims and further add structural and functional limitations.

The foregoing arguments are believed to be a complete response to the most recent Examiner's Action.

No new matter has been added.

It is respectfully submitted that there is no claim, teaching, motivation, or suggestion in any of the prior art cited, alone or in combination, to produce what Applicant claims.

It is further submitted that the application defines patentable subject matter and that the claims are in a condition for allowance. Such allowance at an early date is respectfully requested.

Should any issues remain which would preclude the prompt disposition of this case, it is requested that the Examiner contact the undersigned practitioner by telephone.

Respectfully submitted,
Margo N. Whale

By 
Mark G. Pannell
Reg. No. 40,761

Date 12/19/03
(719) 260-7900